



HOUSE OF REPRESENTATIVES

HB 2442

behavioral health; urgent need; children

Prime Sponsor: Representative Farnsworth E, LD 12

DPA Committee on Children and Family Affairs

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

HB 2442 outlines procedures for a foster or adoptive parent to obtain urgent behavioral health services for a child in need of such services.

PROVISIONS

1. Stipulates that a parent may not be considered as having abused, neglected or abandoned or charged with abuse, neglect or abandonment of a biological, foster or adoptive child solely for seeking inpatient treatment or an out-of-home placement if the child's behavioral health needs pose a risk to the safety and welfare of the family.
2. States a parent may not be considered as having abused or neglected or charged with abuse or neglect of a child solely for bringing into the home a biological, foster or adoptive child whose behavioral health needs pose a risk to the safety and welfare of the family.
3. Provides that if a child who is in the legal custody of the Department of Child Safety (DCS) is placed in out-of-home placement, the out-of-home placement must receive from DCS: an updated complete placement packet; contact information for the caseworker; the Regional Behavioral Health Authority's (RBHA) designated point of contact; the telephone number to the Arizona Health Care Cost Containment System's (AHCCCS) customer service line; a list of AHCCCS' registered providers; and information regarding the out-of-home placement's rights.
4. Provides that if the out-of-home placement of a dependent child who is in the legal custody of DCS or the adoptive parent of a child who is eligible under Title XIX or XXI of the Social Security Act, identifies an urgent need for the child to receive behavioral health services, the out-of-home placement or adoptive parent may directly contact a RBHA for a screening and evaluation of the child.
5. Requires the RBHA to dispatch an assessment team within 72 hours after being notified that the child has entered care in an out-of-home placement or within two hours after being notified that the child has an urgent need. The RBHA must provide an initial evaluation of the child within seven calendar days after a referral or request for services.
6. States that if after the screening and evaluation it is determined that the child is in need of behavioral health services, the RBHA must provide an initial behavioral health appointment within 21 calendar days after the initial evaluation.
7. Specifies that on completion of the initial evaluation, the out-of-home placement or adoptive parent:

- a. Must call the RBHA designated point of contact and AHCCCS' customer service line if services are not received within 21 days to document the failure to receive the service; and
 - b. May access services directly from any AHCCCS registered provider regardless of whether the provider is contracted with the RBHA. If the provider is not contracted with the RBHA, the provider must submit the provider's claim to the RBHA and accept the lesser of 130% of the AHCCCS' negotiated rate or the provider's standard rate.
8. Stipulates that if the out-of-home placement or adoptive parent recognizes that the child is in need of crisis services and the crisis services provider in that county is not being responsive to the situation, the out-of-home placement or adoptive parent may contact the RBHA designated point of contact to coordinate crisis services for the child.
9. States that if an out-of-home placement or adoptive parent requests the RBHA to place a foster or adoptive child in residential treatment due to threatening behavior of the child, the RBHA must respond within 72 hours. If the child is hospitalized due to threatening behavior before the RBHA responds, the RBHA must reimburse the hospital for all medically necessary care, including any days of the hospital stay during which the child does not meet criteria for an inpatient stay but is not discharged because the RBHA has not authorized a safe and appropriate placement for the child outside of the hospital.
10. Stipulates that if a foster child is relocated to another county, the out-of-home placement may continue to have treatment in the previous county. The out-of-home placement may seek any new or additional treatment for the child in the out-of-home placement's county of residence.
11. Requires AHCCCS to track and report annually on the number of times the RBHA coordinated crisis services because the crisis services provider was unresponsive, the number of times services were not provided within 21 days, the amount of services accessed directly by an out-of-home placement or adoptive parents that were provided by noncontracted providers, the list of providers that were formerly contracted with the RBHA but that terminated the contract and provided services for 130% of the AHCCCS' negotiated rate and the amount AHCCCS spent on services.
12. Requires AHCCCS to complete a network adequacy study for the RBHAs that provide behavioral health services to children enrolled in the Comprehensive Medical and Dental Care Program (CMDP), on or before July 1, 2017.
13. Provides that AHCCCS must adopt corrective action plans, sanctions or other measures to address noncompliance by the RBHA, including compliance with the timely pay requirements.
14. States that DCS may not use as the basis for removing a foster child from a licensed foster parent, the foster parent's request to disrupt a foster child or the dissolution of an adoption that occurred based on either of the following:
 - a. The foster or adoptive parent was unable to receive services that the child was statutorily entitled to receive; and
 - b. The foster or adoptive child threatened the health or safety of the adoptive family.
15. Stipulates that if a child who has been in foster care is returned to the child's home then removed again from the home, DCS must notify all foster homes in which the child previously resided that the child has been removed from the child's home.

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16. Requires DCS to place the child in a foster home in which the child has resided, unless the placement is not in the best interests of the child or none of the prior foster homes wants the placement. If the child has previously resided in more than one foster home, DCS must give preference for placement based on which placement is most recent.
17. Defines *out-of-home placement*.
18. Contains an emergency measure.

CURRENT LAW

A.R.S. § 8-512 addresses provisions related to the CMDP Program, which is provided by DCS for each child who is placed in voluntary placement, in the custody of DCS in an out-of-home placement and in the custody of the probation department and placed in foster care.